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**STATE OF DELAWARE**  
**Board of Examiners In Optometry**

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PUBLIC MEETING MINUTES:	Board of Examiners in Optometry
MEETING DATE AND TIME:	Wednesday, July 23, 2014
PLACE:	861 Silver Lake Boulevard, Dover DE Conference Room "B" Cannon Building
MINUTES APPROVED:	

**MEMBERS PRESENT**

Dr. Jeffrey Hilovsky, Professional Member, President  
Dr. Bryan Sterling, Professional Member, Secretary  
Dr. Joseph Senall, Professional Member  
Diane Maddex, Professional Member  
Prameela Kaza, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Jennifer Singh, Deputy Attorney General  
Lisa Smith, Administrative Specialist II  
David Mangler, Director, Division of Professional Regulation

**OTHERS PRESENT**

Thomas Corcoran  
Denh Tuyen  
Tara Morris  
Jennifer Kwok  
Cheryl Heiks

**CALL TO ORDER**

Dr. Hilovsky called the meeting to order at 4:39 p.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes of the April 23, 2014 meeting. Dr. Hilovsky made a motion, seconded by Ms. Kaza to approve the minutes with minor changes. By unanimous vote, the motion carried.

## **New Business**

### **Review of Application(s) for Internship**

The Board reviewed the applications for Internship from Jennifer Kwok and Tara Morris. Dr. Hilovsky made a motion, seconded by Ms. Kaza to approve Jennifer Kwok and Tara Morris to begin their 6-month internships. By unanimous vote, the motion carried.

### **Review of Completion of Internship Application(s)**

The Board reviewed the Completion of Internship application from Denh Tuyen. Dr. Hilovsky made a motion, seconded by Ms. Kaza to approve Denh Tuyen for licensure. By unanimous vote, the motion carried.

### **Review of Application(s) by Reciprocity**

The Board reviewed the application from Marilyn Verghese. Dr. Hilovsky made a motion, seconded by Ms. Kaza to approve Marilyn Verghese's application by reciprocity. By unanimous vote, the motion carried.

## **Unfinished Business**

Jennifer Singh inquired about the status of the proposed updates to Title 24, Chapter 21. Cheryl Heiks from Cozen O'Connor explained that they are continuing to work on the particulars of the Bill with some Ophthalmologists'. That process is ongoing.

The Board members discussed the process to upgrade from a Diagnostic to a Therapeutic Optometrist. Ms. Singh asked if the Board members had decided what criteria are necessary for the process to take place.

Dr. Hilovsky stated that at the April meeting, Kevin Maloney discussed how the Dental Board has a "blanket license". Ms. Singh explained why she doesn't believe that this type of license would benefit the Optometry Board since they will eventually be "phasing out" the remainder of Diagnostic Optometrists and the only Optometry license available will be for Therapeutic Optometrists.

Dr. Hilovsky inquired about a proposed application for the upgrade process. There is no new application at this time, but Mr. Mangler told the Board that there would be at least a prototype application to be considered at the next Board meeting.

Ms. Singh and the Board members discussed the criteria which applicants need to meet in order to upgrade from Diagnostic to Therapeutic Optometrists.

Ms. Singh requested that the Board members bring Regulations for discussion at the September 24, 2014 meeting. The goal is for the Board members to agree on ten different properties that applicants will need to obtain during the 40 hours of supervision required for the licensure upgrade. If regulations can be agreed upon by the Board members, Ms. Singh can propose the Regulations for publication in mid-November 2014. The Board can hold a Hearing at the February 2015 meeting. The following meeting (April 2014) will be when the Board members can vote, which means that it would be approximately one year from the beginning to the end of the process.

Mr. Hilovsky inquired about the "Premier Practice Letter" which was sent to Jim McGrann, President of the Vision Service Plan in February 2014. Ms. Singh informed Mr. Hilovsky that the Board has no jurisdiction over the corporation to which the letter was sent. Ms. Singh also stated that the Board however, can take action over a licensee who advertises themselves as superior to another Optometrist by virtue of premier status.

The Board members began a discussion concerning changes to the Optometry Board Regulations. Ms. Maddex circulated a version of the Regulations which she believed would be of interest to the Board. Ms. Maddex stated that she believes that the Regulations should supplement the Statute and not duplicate it. Ms. Singh agreed, but stated that at times, repetition in certain places is harmless. Ms. Sing also explained to the Board that they can amend Regulations that will remain relevant whether the law changes or not.

The Board members discussed Rule 8.0-Ethics. Mr. Hilovsky suggested that the Board members review and revamp most of Rule 8.0. Mr. Hilovsky also suggested that the Board review and compare the "Unprofessional Conduct" Rules from the Medical, Nursing and Dental Boards.

Mr. Hilovsky began a discussion concerning the required number of CE hours needed for renewal. Mr. Mangler explained the process of "Random Audits".

Mr. Mangler informed the Board of the passing of "House Bill 98" on June 30, 2014. This Bill requires that all new applicants will need to request that a Criminal Background check be submitted directly to the Board of Examiners in Optometry. All currently licensed Optometrists must submit fingerprints and consent to both State and Federal Background Checks by January 15, 2016.

### **Correspondence**

There was no correspondence before the Board at the July 23, 2014 meeting.

### **Other Business Before The Board (For Discussion Only)**

There was no Other Business before the Board at the July 23, 2014 meeting.

### **Public Comment**

There was no Public Comment before the Board at the July 23, 2014 meeting.

### **Next Scheduled Meeting**

The next scheduled meeting will be held on Wednesday, September 24, 2014 at 4:30 p.m. in Conference Room B, 2<sup>nd</sup> floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

### **Adjournment**

There being no further business, Dr. Hilovsky made a motion, seconded by Ms. Kaza to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 6:18 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Lisa Smith". The signature is written in a cursive, flowing style.

Lisa Smith  
Administrative Specialist II

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.*

Board of Optometry

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